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*Attorneys for Irving H. Picard, Trustee
for the Substantively Consolidated SIPA Liquidation
of Bernard L. Madoff Investment Securities LLC
and the Chapter 7 Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the
Substantively Consolidated SIPA Liquidation
of Bernard L. Madoff Investment Securities
LLC and the Chapter 7 Estate of Bernard L.
Madoff,

Plaintiff,

v.

SNS BANK N.V., and SNS GLOBAL
CUSTODY B.V.,

Defendants.

Adv. Pro. No. 08-01789 (CGM)

SIPA Liquidation

(Substantively Consolidated)

Adv. Pro. No. 12-01046 (CGM)

**DECLARATION OF MATTHEW D. FEIL IN SUPPORT OF THE TRUSTEE'S
OPPOSITION TO DEFENDANTS' MOTION TO DISMISS**

I, Matthew D. Feil, pursuant to 28 U.S.C. § 1746, declare as follows:

1. I am a member of the New York Bar and a partner at Baker & Hostetler LLP, counsel for plaintiff Irving H. Picard, as trustee (the “Trustee”) for the substantively consolidated liquidation of the business of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, *et seq.*, and the chapter 7 estate of Bernard L. Madoff.

2. I submit this Declaration in support of the Trustee’s Memorandum of Law in Opposition to Defendants’ Motion to Dismiss pursuant to Federal Rules of Civil Procedure 12(b)(2) and 12(b)(6) filed by SNS Bank N.V. (“SNS Bank”) and SNS Global Custody B.V. (“SNS Global Custody”) (together, “Defendants”).

3. Although several documents attached to this Declaration are stamped confidential, the Trustee’s records indicate that the producing parties have de-designated the documents as not confidential under the Litigation Protective Order entered in this liquidation. *See SIPC v. BLMIS (In re BLMIS)*, Adv. Pro. No. 08-01789 (CGM) (Bankr. S.D.N.Y. June 6, 2011 & Sept. 17, 2003), ECF Nos. 4137 & 5474. In addition, all personal identifying information has been redacted.

4. Attached hereto as **Exhibit 1** in redacted form is a true and correct copy of a Fairfield Sentry Limited (“Sentry”) subscription agreement executed by SNS Bank on March 26, 2004 (PUBLIC0684415).

5. Attached hereto as **Exhibit 2** in redacted form is a true and correct copy of a Fairfield Sigma Limited (“Sigma”) subscription agreement executed by SNS Global Custody on May 10, 2006 (PUBLIC0684426).

6. Attached hereto as **Exhibit 3** in redacted form is a true and correct copy of a Fairfield Lambda Limited (“Lambda”) Private Placement Memorandum (“PPM”) dated as of July 1, 2003, with a form Lambda subscription agreement appended (SECSEV0591654).

7. Attached hereto as **Exhibit 4** is a true and correct copy of email correspondence between FGG personnel and an SNS Bank authorized signatory dated January 21, 2004 (FG-05210824), which contains four attachments (*see infra* Exs. 5-8).

8. Attached hereto as **Exhibit 5** (FG-05210962) in redacted form is a true and correct copy of a form Sentry subscription agreement received by SNS Bank personnel on January 21, 2004, as an attachment to Exhibit 4.

9. Attached hereto as **Exhibit 6** (FG-05210975) in redacted form is a true and correct copy of a form Sigma subscription agreement received by SNS Bank personnel on January 21, 2004, as an attachment to Exhibit 4.

10. Attached hereto as **Exhibit 7** (FG-05210825) in redacted form is a true and correct copy of a Sentry PPM dated as of July 1, 2003, received by SNS Bank personnel on January 21, 2004, as an attachment to Exhibit 4.

11. Attached hereto as **Exhibit 8** (FG-05210895) in redacted form is a true and correct copy of a Sigma PPM dated as of July 1, 2003, received by SNS Bank personnel on January 21, 2004, as an attachment to Exhibit 4.

12. Attached hereto as **Exhibit 9** is a true and correct copy of a Sigma short-form subscription agreement executed by SNS Global Custody on January 25, 2008 (ANWAR-CFSE-00130044).

13. Attached hereto as **Exhibit 10** is a true and correct copy of a Sigma short-form subscription agreement executed by SNS Global Custody on February 25, 2008 (ANWAR-CFSE-00130234).

14. Attached hereto as **Exhibit 11** is a true and correct copy of a Sigma short-form subscription agreement executed by SNS Global Custody on May 22, 2008 (ANWAR-CFSE-00134931).

15. Attached hereto as **Exhibit 12** is a true and correct copy of a Sigma short-form subscription agreement executed by SNS Global Custody on June 25, 2008 (ANWAR-CFSE-00128476-77).

16. Attached hereto as **Exhibit 13** in redacted form is a true and correct copy of a Lambda Information Memorandum dated as of January 1, 1998 (SECSEV0591610).

17. Attached hereto as **Exhibit 14** in redacted form is a true and correct copy of a Sigma PPM dated as of February 16, 2006 (SECSEV2391799).

18. Attached hereto as **Exhibit 15** in redacted form is a true and correct copy of a Sentry PPM dated as of August 14, 2006 (SECSEV3005218).

19. Attached hereto as **Exhibit 16** is a true and correct copy of email correspondence between FGG personnel and SNS Bank personnel dated July 19, 2004 (SECSEV2599122).

20. Attached hereto as **Exhibit 17** is a true and correct copy of email correspondence between FGG personnel and SNS Bank personnel dated January 24-26, 2007 (SECSEV0781987).

21. Attached hereto as **Exhibit 18** is a true and correct copy of email correspondence between FGG personnel and SNS Bank personnel dated February 27, 2008 (FG-02900575).

22. Attached hereto as **Exhibit 19** is a true and correct copy of email correspondence between FGG personnel and SNS Global Custody personnel dated October 22, 2008 (FG-02352093).

23. Attached hereto as **Exhibit 20** is a true and correct copy of email correspondence between FGG personnel and SNS Bank personnel dated January 16, 2009 (SECSEV3200443).

24. Attached hereto as **Exhibit 21** is a true and correct copy of email correspondence reflecting a prior meeting in New York between SNS Bank personnel and Bernard Madoff dated June 16, 2004 (TRESAF0008794).

25. Attached hereto as **Exhibit 22** is a true and correct copy of email correspondence between FGG personnel and SNS Management personnel dated June 22, 2004, reflecting a New York meeting scheduled for June 24, 2004 (SECSEV0593116).

26. Attached hereto as **Exhibit 23** in redacted form is a true and correct copy of a Confirmation of Order Received dated January 18, 2007 for a Sentry redemption (CFSSAL0000528).

27. Attached hereto as **Exhibit 24** in redacted form is a true and correct copy of a Confirmation of Order Received dated February 14, 2007 for a Sentry redemption (CFSSAL0009704).

28. Attached hereto as **Exhibit 25** in redacted form is a true and correct copy of a Confirmation of Order Received dated February 15, 2008 for a Sentry redemption (ANWAR-CFSE-00099207).

29. Attached hereto as **Exhibit 26** in redacted form are true and correct copies of Requests for Wire Transfer Payments dated November 13, 2000, regarding Sentry redemptions (ANWAR-CFSE-00311167).

30. Attached hereto as **Exhibit 27** in redacted form is a true and correct copy of a Request for Wire Transfer Payment dated July 14, 2003, regarding a Sentry redemption (ANWAR-CFSE-00318185).

31. Attached hereto as **Exhibit 28** in redacted form is a true and correct copy of a Request for Wire Transfer Payment dated June 14, 2005, regarding a Sentry redemption (ANWAR-CFSE-00324593).

32. Attached hereto as **Exhibit 29** in redacted form is a true and correct copy of a Request for Wire Transfer Payment dated July 19, 2006, regarding a Sentry redemption (CFSSAO0004952).

33. Attached hereto as **Exhibit 30** in redacted form is a true and correct copy of a Request for Wire Transfer Payment dated July 14, 2008, regarding a Sentry redemption (CFSSAJ0007521).

34. Attached hereto as **Exhibit 31** in redacted form is a true and correct copy of a Redemption Request Form dated June 16, 2008, regarding a Sentry redemption (CFSSAJ0007522).

35. Attached hereto as **Exhibit 32** in redacted form is a true and correct copy of a Subscription Form of Sentry dated July 1, 1999, indicating among other things, that Ben van Blokland was an authorized signatory for SNS Bank (ANWAR-CFSE-00362445).

Pursuant to 28 U.S.C. § 1746, I hereby declare under penalty of perjury that the foregoing statements are true and correct.

Dated: December 20, 2022
New York, New York

By: /s/ Matthew D. Feil
Matthew D. Feil